

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**LOYDALE KIRVEN and
IGNACIO KIRVEN,**

Plaintiffs,

v.

No. CV 16-1110 JCH/LAM

HONORABLE JAN GARRET, et al.,

Defendants.

ORDER TO CURE DEFICIENCY

Plaintiff submitted a civil rights complaint (*Doc. 1*) on October 6, 2016. The Court determines that Plaintiff's filing is deficient as described in this order. Plaintiff is directed to cure the following if he wishes to pursue his claims:

I. Filing Fee:

 X filing fee has not been received (\$400 civil/administrative)

II. Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915:

- (1) X is not filed
- (2) is missing affidavit
- (3) is missing certified copy of prisoner's inmate account statement for the 6-month period immediately preceding this filing
- (4) is missing required financial information
- (5) is missing an original signature by the prisoner
- (6) is not on proper form (must use current form)
- (7) names in caption do not match names in caption of complaint, petition or habeas application
- (8) other _____

III. Complaint, Petition or Application:

- (1) is missing
- (2) X is not on proper form (must use our form Rev. 5/96)
- (3) is missing an original signature by the prisoner
- (4) is missing page nos.
- (5) other _____

Papers filed in response to this order must include the civil action number (CIV 16-1110 JCH/LAM) of this case. Failure to cure the designated deficiencies **within thirty (30) days from the date of this order** may result in **dismissal** of this action without further notice.

IT IS THEREFORE ORDERED that Plaintiff cure the deficiencies designated above **within thirty (30) days from the date of this order;**

IT IS FURTHER ORDERED that the Clerk is directed to mail to Plaintiff, together with a copy of this order, the following forms: **2 copies each of an Application to Proceed in District Court Without Prepaying Fees or Costs, Financial Certificate, and a form § 1983 complaint with instructions.

IT IS FURTHER ORDERED that, **if Plaintiff fails to cure the designated deficiencies within thirty (30) days from the date of this order, this action may be dismissed without prejudice without further notice.**

IT IS SO ORDERED.



LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE